

MICHIGAN DEPARTMENT OF CORRECTIONS POLICY DIRECTIVE		EFFECTIVE DATE 09/19/2005	NUMBER 02.06.111
SUBJECT EMPLOYMENT SCREENING		SUPERSEDES 02.06.111 (01/01/05)	
		AUTHORITY MCL 37.1101 et seq.; 37.2101 et seq.; 791.203; 791.501 et seq.; 791.205a; Civil Service Rules 1- 6, 1-7, 1-8, and 2-7	
		ACA STANDARDS 3-3054; 3-3058; 3-3059; 3-3087; 4-4055; 4-4057; 4-4061 through 4063; 3-ACRS-1C-09; 3-ACRS- 1C-11; 3-ACRS-1C-12; 2-CO-1C-13; 2-CO-1C- 18; 2-CO-1C-19	
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POLICY STATEMENT:

The Department shall screen applicants for employment, including student assistants and unpaid student interns, to determine suitability for employment. Current employees also shall be screened if physical or mental fitness for duty is questioned or if a transfer or promotion is sought. Hiring decisions shall be based on merit and job-related qualifications.

RELATED POLICIES:

02.06.100 Equal Employment Opportunity
02.06.101 Employees and Job Applicants with Disabilities

POLICY:

GENERAL INFORMATION

- A. The Department firmly supports equal employment opportunity. An applicant for employment shall not be discriminated against in any aspect of the employment process based on the applicant's religion, race, color, national origin, age, sex, sexual orientation, height, weight, marital status, partisan considerations, or a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position. All hiring shall be based on merit and job-related qualifications.
- B. All hiring shall be done in accordance with Civil Services rules and regulations. The Administrator of the Bureau of Human Resources (BHR) shall ensure that standardized selection guidelines are maintained that are to be followed in recruiting and hiring employees for all positions other than that of a corrections officer; separate guidelines shall be maintained for hiring new corrections officers. The BHR Administrator shall ensure that the guidelines are made available to all Human Resource (HR) offices and to other staff involved in the hiring process, as appropriate.
- C. This policy applies to all applicants for employment, including transfers and promotions. It also applies to applicants who are currently employed by, or on layoff/recall status with, the Department, unless otherwise indicated. The appropriate HR office shall oversee all employment screening required by this policy.
- D. All offers of employment are contingent upon the applicant meeting all pre-employment screening requirements set forth in this policy. Whenever an applicant fails to meet any of these requirements, the offer of employment shall be rescinded.
- E. An offer of employment shall not be made unless approved in advance by the appropriate HR office. Approval from the Director or designee also is required prior to making an offer of employment to an applicant for a supervisory position or any position at the 13 Grade or above.
- F. An offer of employment shall not be made to an applicant who was formerly employed by the Department and dismissed from employment for any reason, who resigned while under investigation or

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while discipline was pending for alleged misconduct, or who accepted a waived rights leave of absence, without the approval of the BHR Administrator or designee, the appropriate Executive Policy Team (EPT) member and the Director. Approval shall not be granted if the departure was related to the applicant testing positive or refusing to be tested for a controlled substance or alcohol as authorized by Civil Service rules, interfering with the test procedure, or tampering with the test sample. The Director may identify types of alleged misconduct for which approval shall not be granted (e.g., sexual misconduct, sexual harassment or overfamiliarity).

- G. Employees shall not be assigned to the immediate supervision of an immediate family member (i.e., spouse, child, sibling, parent, parent-in-law, grandparent). Accordingly, prior to placement in a position, the appropriate HR office shall determine if the prospective employee is an immediate family member of an employee at the work location and make appropriate reassignments, as necessary.
- H. Falsification of any information given by an applicant for employment during employment screening may result in removal from employment consideration and, if discovered after hire, may result in termination of employment.
- I. Exclusively represented employees shall be governed by their collective bargaining unit agreement where in conflict with this policy.

STUDENT ASSISTANT/INTERN POSITIONS

- J. Appropriate supervisory staff may work with a high school, vocational school, college, university or other post-secondary educational institution to offer student internships with the Department for academic credit. Student internships may be offered to unpaid student interns or to paid student assistants. The criteria for successful completion of, and the amount of credit awarded for, all student internships shall be determined by the educational institution the student is attending.
- K. A child, stepchild, grandchild, foster child, sibling, niece, nephew or cousin of a Department Administrator or Manager, including Wardens, shall not be offered a student assistant or student intern position. Any other relative of a Department employee shall be offered a student assistant or student intern position only with approval from the appropriate EPT member after consultation with the Director.
- L. Student assistant and student intern positions shall not be established or used to replace other positions.

EDUCATIONAL CREDENTIAL CHECK

- M. Prior to interviewing an applicant, the credentials of the applicant shall be verified to determine if s/he meets the minimum educational requirements for the position; this does not apply to an applicant who is currently employed by, or on layoff/recall status with, the Department unless determined necessary by the HR Officer. If a professional license is required, that license shall similarly be verified. For student assistant and unpaid student intern positions, appropriate HR office staff shall ensure the Student Program Application (CS-424) is completed. Student assistants and interns are required to submit updated enrollment information as necessary. This includes whenever there is a change in the student's degree/program, class status (e.g., freshman to sophomore) or educational institutions and upon completion of educational degree/program. Appropriate HR office staff shall verify at least annually the continued eligibility of those in student assistant and student intern positions.

REFERENCE CHECKS

- N. Reference checks are not required for unpaid student intern positions. Reference checks are required for all applicants for a corrections officer position prior to making an offer of employment and on at least the six top-ranked applicants for all other positions, based on interview rating, prior to making an offer of employment. Information shall be requested from at least three professional references (e.g., supervisor) prior to making any offer of employment; personal references may be substituted for

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professional references as approved by the appropriate HR Officer or designee. For current and prior Department employees, information also shall be requested from the appropriate HR office. Employers shall be asked to verify employment and provide information regarding the applicant's work performance.

LAW ENFORCEMENT INFORMATION NETWORK (LEIN) CHECKS

- O. A criminal history check, a check for outstanding warrants and a driving record check for misdemeanor driving/traffic offenses shall be run through LEIN on all applicants for a corrections officer position and on at least the top-ranked applicant for any other position, based on interview rating and background and reference checks, prior to making an offer of employment; this does not apply to applicants who are currently employed by the Department. Such checks also shall be performed on contractual employees who will be working in a correctional facility in a position having prisoner contact; this includes employees under contract with the Department and employees of a business or governmental agency under contract with the Department. The checks shall be conducted for the United States and, as determined by the appropriate HR Officer, Canada. If the disposition of a charge is not indicated, the applicant shall be required to provide appropriate documentation to verify the disposition. All outstanding warrants must be disposed of prior to an offer of employment being made.
- P. An applicant who is not currently employed by the Department who has the following criminal history shall not be hired for any position within the Department:
 - 1. A felony conviction or pending felony charge, or,
 - 2. A misdemeanor conviction for a violation of the Controlled Substance Act (MCL 333.7101, et seq.), Fourth Degree Criminal Sexual Conduct (MCL 750.520e), or a comparable statute or law in any jurisdiction.
- Q. A person who is not currently employed by the Department who has a misdemeanor conviction for anything other than a violation of the Controlled Substance Act or for Fourth Degree Criminal Sexual Conduct is not eligible for employment until one year after satisfactory completion of any sentence imposed, including probation. The one year period may be waived with approval of the BHR Administrator or designee, appropriate EPT member and the Director.
- R. Any applicant who has been convicted of a misdemeanor crime of domestic violence shall not be placed into a position which requires the use or possession of a firearm or ammunition. This does not apply if the conviction has been expunged or set aside, or if the person has received a pardon. A "misdemeanor crime of domestic violence" is defined as any offense involving the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former domestic partner, spouse, parent or guardian of the victim.
- S. If a position requires a valid operator license, a driving record check also shall be run through LEIN on at least the three top-ranked applicants for the position, based on interview rating and background and reference checks, to verify possession of a currently valid non-restricted license prior to making an offer of employment. The driving record also shall be reviewed to determine if there are any driving/traffic offenses and the number of points on the applicant's driving record; this information may be used as a determining factor when selecting candidates.
- T. An applicant shall be informed in writing if s/he is ineligible for employment pursuant to this section. Upon request, the applicant shall be permitted to review the information that was relied upon to determine ineligibility. If the applicant disputes the accuracy of the information relied upon, s/he shall be given two weeks to contact the source of the information in order to correct the alleged inaccuracy. The applicant shall be considered for the position if the information relied upon is found to be inaccurate and the applicant is otherwise eligible for employment based on the corrected information.
- U. To verify an applicant's identity and ensure that the required LEIN checks have been performed on the

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correct individual, all newly hired employees are required to be fingerprinted; this is not required for an applicant currently employed by, or on layoff/recall status with, the Department. The selected candidate shall be advised of this requirement at the time the offer of employment is made. All new corrections officers shall be fingerprinted during the first phase of new employee training; all other newly hired employees shall be fingerprinted no later than their first day of employment.

PHYSICAL FITNESS

- V. All applicants for a corrections officer or corrections medical aide position are required to pass a Department approved physical fitness test prior to an offer of employment being made. The test shall be conducted in accordance with OP 02.06.111-B "Physical Testing Standards for Corrections Officers and Corrections Medical Aides".

MEDICAL SCREENING

- W. All applicants shall be notified of the essential job functions of the positions for which they have applied. Pursuant to PD 02.06.101 "Employees and Job Applicants with Disabilities", staff shall not inquire into an applicant's medical condition or disabilities, or the need for reasonable accommodation. Such inquiries shall be made only after a conditional offer of employment is made and, for medical conditions, as part of the pre-employment physical exam. Concerns regarding the selected candidate's physical ability to perform the essential job functions of the position shall be discussed with the Administrator of the Equal Employment Opportunity Office or designee.
- X. In conjunction with a conditional offer of employment and prior to placement in the position, the selected candidate shall be required to undergo the following medical screening:
 - 1. A physical examination conducted by a physician under contract with the Department, as identified by the BHR Administrator or designee. This does not apply to an applicant who is currently employed by, or on layoff/recall status with, the Department unless the applicant is applying for a position which has regular prisoner contact and his/her most recent position did not have regular prisoner contact.
 - 2. Tuberculosis screening as set forth in PD 02.04.110 "Control of Tuberculosis in Employees".
 - 3. If applicable, a respiratory examination to determine the ability to wear required respiratory protection devices.
- Y. All medical screenings required by the Department shall be arranged and paid for by the Department.

CONTROLLED SUBSTANCE TESTING

- Z. In accordance with Civil Service rules, the selected candidate for a position shall be tested for the use of a controlled substance in conjunction with a conditional offer of employment but prior to placement in the position. However, an applicant currently employed by, or on layoff/recall status with, the State of Michigan shall be tested only if the applicant is applying for a test designated position and his/her most recent position was not a test designated position, in which case the testing also shall be performed in accordance with the applicable collective bargaining unit agreement.
- AA. All controlled substance testing required by the Department shall be arranged and paid for by the Department. The testing shall be performed under contract with the State of Michigan. The Federal Drug Testing Custody and Control form (No. 570 BC) shall be used to document testing for a position which requires a Commercial Driving License (CDL). The Non D.O.T. Custody and Control form (No. 580 BC) shall be used to document all other required testing; only forms specifically identified for pre-employment testing shall be used for applicants who are not currently employed by, or on layoff/recall status with, the State of Michigan.

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- BB. An applicant for employment who is required to be tested for a controlled substance shall not be hired and shall be ineligible for future employment with the Department if s/he refuses to be tested or tests positive for a controlled substance. An applicant for a "test designated position" who is currently employed by, or on layoff/recall status with, the State of Michigan who refuses to be tested or tests positive for a controlled substance shall be terminated from employment. A test result will not be reported as positive if it is determined that medication identified by the applicant could have reasonably caused the positive result. An applicant who is required to be tested also shall not be hired for future employment with the Department if s/he is found to have interfered with the test procedure or tampered with the test sample. The Department of Civil Service shall be notified whenever an applicant is ineligible for future employment with the Department pursuant to this paragraph.
- CC. Information directly related to a controlled substance test result, including the test result itself, shall be retained in the Drug and Alcohol Testing Unit, BHR. The information shall not be disclosed without the consent of the person being tested except as necessary to comply with this policy, Civil Services rules or applicable collective bargaining unit agreement.

CURRENT EMPLOYEES' FITNESS FOR DUTY

- DD. Medical screenings and evaluations may be performed when an employee's fitness for duty becomes questionable, after consultation with the BHR Administrator or designee. These screenings and evaluations may include physical or psychological/psychiatric examinations, or other appropriate medical screenings.
- EE. An employee who has incurred an injury or a temporary medical disability may be required to submit medical certification from an appropriate medical practitioner showing that the employee is able to perform all essential job functions prior to being permitted to return to work. Employees on a medical leave of absence shall be required to provide such certification as set forth in PD 02.02.102 "Leave of Absence". The employee shall submit the required medical certification to the appropriate HR office prior to returning to work.
- FF. Employees are subject to testing for the use of a controlled substance or alcohol in accordance with Civil Service rules and applicable collective bargaining unit agreements.

OPERATING PROCEDURES

- GG. The BHR Administrator shall ensure that procedures are developed as necessary to implement requirements set forth in this policy directive; this shall be completed within 60 calendar days after the effective date of the policy directive. This requirement includes ensuring that their existing procedures are revised or rescinded, as appropriate, if inconsistent with policy requirements or no longer needed.

AUDIT ELEMENTS

- HH. A Primary Audit Elements List has been developed and will be provided to the BHR Administrator and Regional HR Managers to assist with self audit of this policy, pursuant to PD 01.05.100 "Self Audit of Policies and Procedures".

PLC:OPH:08/23/05